

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kari W., ¹)	C/A No.: 1:20-cv-3304-MGL-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Kilolo Kijakazi, ² Acting)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
)	

Defendant, Kilolo Kijakazi, Acting Commissioner of the Social Security Administration (“Commissioner”), by her attorneys, M. Rhett DeHart, Acting United States Attorney for the District of South Carolina, and Marshall Prince, Assistant United States Attorney for said district, has moved this court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. [ECF No. 22]. The motion represents that Plaintiff’s counsel consents to the motion. *Id.*

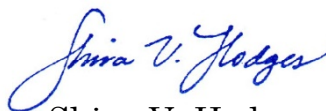
¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Fed. R. Civ. P. 25(d), she is substituted for former Commissioner Andrew Saul as the defendant in this action.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g),³ and given the Commissioner's request for remand, this court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further administrative proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). Upon remand, the Appeals Council shall vacate the Administrative Law Judge's ("ALJ's") decision and refer the case to an ALJ to further evaluate the evidence, provide Plaintiff an opportunity for another hearing, and issue a new decision. The ALJ is specifically advised that the medical opinions of record are to be evaluated based on the rules in 20 C.F.R. § 416.927. The Clerk of Court is directed to enter a separate judgment pursuant to Fed. R. Civ. P. 58. The court hereby vacates its September 14, 2021 order [ECF No. 20], requiring additional briefing as to the regulation applicable to evaluation of opinion evidence, as the issue is rendered moot pursuant to this order.

IT IS SO ORDERED.

September 24, 2021
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

³ Pursuant to the court's standing order, *In the Matter of Consensual Dismissal of Actions Before Magistrate Judges*, M-90-3-FBH, and in accord with 28 U.S.C. § 636(c), the undersigned is authorized to enter judgment in the case.